

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

In re: BRANDON ALAN KENNEDY) Case No. 1:21-bk-12006-SDR
Debtor.) Chapter 13

DEBTOR'S MOTION TO AUTHORIZE SALE OF REAL PROPERTY

NOTICE OF HEARING

Notice is hereby given that:

A hearing on Debtor's Motion to Authorize Sale of Real Property will be held on April 7, 2022 at 1:30 PM in Courtroom A of the U.S. Bankruptcy Court for the Eastern District of Tennessee, Historic U.S. Courthouse located at 31 East 11th Street, Chattanooga, TN 37402.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Debtor, Brandon Alan Kennedy (the "Debtor"), by and through counsel, requests that the Court enter an order authorizing the sale of the below-referenced real property. The Debtor respectfully states as follows:

1. On November 2, 2021, the Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. The estate includes real property located at 2794 Courtney Drive, McMinn County, Athens, Tennessee as recorded in the Register of Deeds Office for McMinn County, Tennessee in

Deed Book 21C Page 468 and more particularly described as Lot 21 and Parcel 047C A 001.00 000, Kenwood Acres Subdivision (the “Property”).

3. The Debtor and his estranged non-filing spouse, Sarah Kennedy have entered into a Purchase and Sale Agreement (the “Agreement”) to sell the Property to Austin B. Hayes, an unrelated private individual buyer, for \$250,000.00. A copy of the Agreement is attached as Exhibit A.

4. Upon closing, the disbursing agent will pay: (1) any and all closing costs, not paid direct by the Buyer, including prorated property taxes; (2) the outstanding allowed claim and payoff of the mortgage held by U.S. Bank National Association (“U.S. Bank”) as evidenced by Claim No. 13 and the Deed of Trust as recorded in Book 1119, Pages 310-322, in the Register of Deeds Office of McMinn County, Tennessee.

5. The remaining balance, should there be any, will be paid to the Chapter 13 Trustee, Kara L. West, P.O. Box 511, Chattanooga, Tennessee 37401 for payment on valid claims.

6. The closing date is scheduled for on or before May 1, 2022, or as soon as practical following entry of the Order on this Motion to Authorize Sale of Real Property.

7. The Debtor believes that the purchase price of \$250,000.00 is at or above the fair market value of the Property. The tax appraised value of the property is \$249,600.00.

8. The Debtor does not anticipate any objection to this Motion and believes this sale to be in the best interests of all creditors and interested parties.

WHEREFORE, the Debtor respectfully requests that the Court enter an order authorizing the sale of the Property in accordance with the terms and conditions as outlined in this Motion and the Purchase and Sale Agreement.

Respectfully submitted,

RICHARD BANKS & ASSOCIATES, PC

By: /s/ R. Bradley Banks

R. Bradley Banks (BPR No. 031013)
393 Broad Street NW
P.O. Box 1515
Cleveland, TN 37364
P: (423) 479-4188
F: (423) 478-1175
bbanks@rbankslawfirm.com
Counsel for the Debtor(s)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion to Authorize Sale of Real Property and proposed order on all creditors per the attached matrix and to the following by first class mail, electronic mail, or through the Court's electronic filing notice:

Nicholas B. Foster (via ECF)
Attorney for United States Trustee

Kara L. West (via ECF)
Chapter13 Trustee

Brandon Alan Kennedy (via email)
Debtor

McMichael Taylor Gray, LLC (via email)
Attn: Mark A. Baker, Esq.
Attorney for U.S. Bank National Association

Andrew B. Morgan, Esq. (via email)
Attorney for Sarah Kennedy

All creditors per the attached matrix.

This 2nd day of March 2022

RICHARD BANKS & ASSOCIATES, PC

By: /s/ R. Bradley Banks

R. Bradley Banks (BPR No. 031013)